



TFW

3764

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ULRICH SPECK ET AL.

Serial No.: 10/528,577

Examiner: WILLIAM DIXON

Filed: MARCH 21, 2005

Group Art 3764

Unit:

Title: MEDICAL DEVICE FOR DISPERSING MEDICAMENTS

PETITION TO MAKE SPECIAL UNDER MPEP 708.02 (37 CFR 1.102), VIII

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Under the captioned section, this application qualifies to be made special. All of items A-E specified in the captioned section of the MPEP are satisfied as follows:

(A) This petition to make special is accompanied in the enclosed check by the fee set forth in 37 CFR 1.17(h), i.e., \$130.

(B) The accompanying preliminary amendment is believed to present all claims directed to a single invention, in various embodiments. However, if the office determines that this is not the case, then applicants will make an election without traverse via the PTO's established telephone restriction practice. It is not believed possible to provide an election at this time since it is believed that all claims are directed to a single invention and it cannot be determined at this time how or why an examiner might restrict such claims.

(C) This application is the U.S. national phase of international application number PCT/DE2003/002871 (WO2004/028582) filed on August 26, 2003, which claims priority to DE 10244847 of September 20, 2002. Its original claims are identical to the original claims herein. PCT/EP2003/010480 claims the same priority (WO2004/028610).
08/25/2006 10:53AM 10/528577 130.00 OP

The international searching authority (the EPO) issued an international search report (ISR) in this corresponding PCT application, as well as in the mentioned related application. Both ISR's are attached. The former search satisfies requirement (C) because it constitutes a "search made by a foreign patent office... [wherein] the claims in the corresponding foreign application are of the same or similar scope to the claims of the US application for which special status is requested." That the latter quoted requirement is satisfied is clear from the fact that the original claims in both the PCT and the current application are identical to each other.

(D) Copies of relevant references, including those most closely related to the subject matter encompassed by the claims, are being filed herewith and/or are already of record.

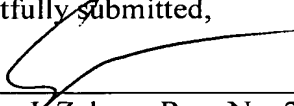
(E) A detailed discussion of the references, pointing out with the particularity required by 37 CFR 1.111(b) and (c) of how the claimed subject matter is patentable over the references, is contained in the accompanying preliminary amendment.

Conclusion

All requirements for the granting of special status to the above-identified application being fulfilled, it is respectfully requested that this application be granted SPECIAL status and be forwarded to the examiner for immediate examination.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Anthony J. Zelano, Reg. No. 27,969
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410
Attorney Docket No.: WEICKM-44
Filed: August 24, 2006
K:\WEICKM\44\Petition to Make Special.doc